

## **REMARKS**

Claims 18 and 20 to 34 are pending in the application; claim 19 is canceled.

### **Drawings**

The drawings are objected to because reference numeral 32' mentioned in the specification is not shown in the drawing.

It is respectfully submitted that the specification does not mention reference numeral 32'. However, the specification mentions reference numeral 21' which is not shown. Replacement sheet Fig. 6 is therefore submitted herewith showing reference numeral 21' identifying the right-hand lever.

Reconsideration and withdrawal of the objection to the drawings are therefore respectfully requested.

### **Specification**

The leaf springs 32 and 33 have been wrongly identified on page 8 and page 9 as "31, 33" This error has been corrected.

### **Claim Rejections - 35 U.S.C. 112**

Claims 23, 31-34 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite.

Claim 23 lacks antecedence for "control device". This has been corrected by incorporating therein the features of claim 19 where "control device" is properly defined.

Claim 23 stand rejected because it sets forth an alternative structure thereby, in examiner's view, contradicting the statutory requirement that claims must "particularly point out" what is being claimed.

It is respectfully submitted that alternative language is proper; see **MPEP 2173.05(h) Alternative Limitations**. The first sentence under the heading I. MARKUSH GROUPS states that:

"Alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. "

By providing two ways of attaching the hinge lifter (to the control device or to the frame part), there is certainly no cause for confusion. Also note that under the heading II

“OR” TERMINOLOGY the use of “or” is expressly said to be “acceptable and not in violation of 35 U.S.C. 112, second paragraph”.

Claim 31 stands rejected because it supposedly lacks antecedence for “profiled clamping section”. This is not so. The claim 31 depends from claim 29 and claim 29 depends from claim 27 where “profiled section” is set forth.

Claim 32 stands rejected because it supposedly lacks antecedence for “stop shaft”; this is not so as claim 32 depends from claim 31 and claim 31 depends from claim 29 where the stop part is defined as a stop shaft.

Claim 34 stands rejected because it supposedly lacks antecedence for “cylindrical stop cam”; this is not so as claim 34 depends from claim 31 where the cylindrical stop cam is properly defined.

Note that in the submitted preliminary amendment a clerical error caused the sequence of claims 29 and 30 to be reversed (the sequence of the claims as submitted is 28 - 30 - 29). The sequence of the claims has been corrected in the instant list of claims (28 - 29 - 30: the claims have not been renumbered but their order has been changed!).

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 112 are therefore respectfully requested.

#### **Rejection under 35 U.S.C. 103**

Claims 18-19, 21, 22 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over *DE 29801914*.

Claim 18 has been amended to include the features of claims 19 and 20 and should thus be allowable.

#### **ALLOWABLE SUBJECT MATTER**

Claims 20, 24-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 has been amended to include the features of claim 19 and allowable claim 20 and should thus be allowable together with its dependent claims 21-22.

Claim 24 has been rewritten as an independent claim by including the features of claims 18 and 19 and should thus be allowable.

Claim 25 has been rewritten as an independent claim by including the features of claims 18 and 19 and should thus be allowable.

Claims 23 and 31-34 would be allowable if rewritten to overcome the rejections under 35 USC 112. In view of the amendments made and the arguments presented above, claims 23 and 31-34 are believed to be allowable.

Four independent claims are now presented. **The fee for one independent claim in excess of three is being paid concurrently** by credit card.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on November 24, 2006,

/Gudrun E. Hockett/

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Encl.: replacement drawing sheet Fig. 6 (1 sheet)